

1 individual whose total earned and unearned income is below 150 percent of the  
2 poverty line for an individual.

3 **SECTION 1169.** 49.472 (5) of the statutes is amended to read:

4 49.472 (5) COMMUNITY OPTIONS PARTICIPANTS. From the appropriation under s.  
5 20.435 (7) (bd), the department may pay all or a portion of the monthly premium  
6 calculated under sub. (4) (a) for an individual who is a participant in the community  
7 options program under s. 46.27 (11).

8 **SECTION 1170.** 49.475 (title) of the statutes is amended to read:

9 **49.475 (title) Information about assistance program beneficiaries;**  
10 **electronic submission of claims.**

11 **SECTION 1171.** 49.475 (2) (except 49.475 (2) (title)) of the statutes is  
12 renumbered 49.475 (2) (ac), and 49.475 (2) (ac) 1. b. and 4. (intro.), as renumbered,  
13 are amended to read:

14 49.475 (2) (ac) 1. b. If subd. 1. a. applies, the nature and period of time of any  
15 coverage, benefit, or service provided, including the name, address, and identifying  
16 number of any applicable coverage plan.

17 4. (intro.) If all of the following apply, agree not to deny a claim submitted by  
18 the department under ~~par. (b)~~ subd. 2. solely because of the claim's submission date,  
19 the type or format of the claim form, or failure by a recipient to present proper  
20 documentation at the time of delivery of the service, benefit, or item that is the basis  
21 of the claim:

22 **SECTION 1172.** 49.475 (2) (bc) of the statutes is created to read:

23 49.475 (2) (bc) A 3rd party shall accept the submission of claims from the  
24 department under par. (ac) 2. in electronic form and shall timely pay the claims in  
25 the manner provided in s. 628.46 (1) and (2). For purposes of timely payment of

**SECTION 1172**

1 claims under this paragraph, “written notice” under s. 628.46 (1) includes receipt of  
2 a claim in electronic form.

3 **SECTION 1173.** 49.475 (2m) (a) of the statutes is amended to read:

4 49.475 (2m) (a) The information that the department may request under this  
5 section is limited to the information specified in sub. (2) ~~(a)~~ (ac) 1. and does not  
6 include an employer’s name unless that information is necessary for the department  
7 or a provider to obtain 3rd-party payment for an item or service.

8 **SECTION 1174.** 49.475 (2m) (b) of the statutes is amended to read:

9 49.475 (2m) (b) If information under sub. (2) ~~(a)~~ (ac) 1. may be available from  
10 more than one source that includes an employer operating a self-insured plan, the  
11 department shall seek the information first from a 3rd-party administrator or other  
12 entity identified in sub. (1) (f) 7. or pharmacy benefits manager before seeking the  
13 information from the employer.

14 **SECTION 1175.** 49.475 (3) (intro.) of the statutes is amended to read:

15 49.475 (3) WRITTEN AGREEMENT. (intro.) Upon requesting a 3rd party to provide  
16 the information under sub. (2) ~~(a)~~ (ac) 1., the department and the 3rd party shall  
17 enter into a written agreement that satisfies all of the following:

18 **SECTION 1176.** 49.475 (4) (a) of the statutes is amended to read:

19 49.475 (4) (a) A 3rd party shall provide the information requested under sub.  
20 (2) ~~(a)~~ (ac) 1. within 180 days after receiving the department’s request if it is the first  
21 time that the department has requested the 3rd party to disclose information under  
22 this section.

23 **SECTION 1177.** 49.475 (4) (b) of the statutes is amended to read:

24 49.475 (4) (b) A 3rd party shall provide the information requested under sub.  
25 (2) ~~(a)~~ (ac) 1. within 30 days after receiving the department’s request if the

1 department has previously requested the 3rd party to disclose information under  
2 this section.

3 **SECTION 1178.** 49.475 (5) of the statutes is amended to read:

4 49.475 (5) REIMBURSEMENT OF COSTS. From the appropriations under s. 20.435  
5 (4) (bm) and (pa), the department shall reimburse a 3rd party that provides  
6 information under sub. (2) ~~(a)~~ (ac) 1. for the 3rd party's reasonable costs incurred in  
7 providing the requested information, including its reasonable costs, if any, to develop  
8 and operate automated systems specifically for the disclosure of the information.

9 **SECTION 1179.** 49.496 (1) (a) of the statutes is renumbered 49.496 (1) (ah).

10 **SECTION 1180.** 49.496 (1) (af) of the statutes is created to read:

11 49.496 (1) (af) "Decedent" means a deceased recipient or a deceased  
12 nonrecipient surviving spouse, whichever is applicable.

13 **SECTION 1181.** 49.496 (1) (bk) of the statutes is created to read:

14 49.496 (1) (bk) "Long-term care program" means any of the following:

- 15 1. The family care program providing the benefit under s. 46.286.
- 16 2. The self-directed services option that operates under a waiver from the  
17 secretary of the federal department of health and human services under 42 USC  
18 1396n (c) in which an enrolled individual selects his or her own services and service  
19 providers.
- 20 3. The family care partnership program that is an integrated health and  
21 long-term care program operated under an amendment to the state medical  
22 assistance plan under 42 USC 1396u-2 and a waiver under 42 USC 1396n (c).
- 23 4. The program for all-inclusive care for the elderly under 42 USC 1396u-4.
- 24 5. Any program that provides long-term care services and is operated by the  
25 department under an amendment to the state medical assistance plan under 42 USC

1 1396n (i) or 42 USC 1396u-2; a waiver of medical assistance laws under 42 USC  
2 1396n (c), 42 USC 1396n (b) and (c), or 42 USC 1396u; or a demonstration project  
3 under 42 USC 1315 or 42 USC 1396n (c).

4 **SECTION 1182.** 49.496 (1) (bw) of the statutes is created to read:

5 49.496 (1) (bw) “Nonrecipient surviving spouse” means any person who was  
6 married to a recipient while the recipient was receiving services for which the cost  
7 may be recovered under sub. (3) (a) and who survived the recipient.

8 **SECTION 1183.** 49.496 (1) (cm) of the statutes is created to read:

9 49.496 (1) (cm) 1. “Property of a decedent” means all real and personal property  
10 to which the recipient held any legal title or in which the recipient had any legal  
11 interest immediately before death, to the extent of that title or interest, including  
12 assets transferred to a survivor, heir, or assignee through joint tenancy, tenancy in  
13 common, survivorship, life estate, living trust, or any other arrangement.

14 2. Notwithstanding subd. 1., “property of a decedent” includes all real and  
15 personal property in which the nonrecipient surviving spouse had an ownership  
16 interest at the recipient’s death and in which the recipient had a marital property  
17 interest with that nonrecipient surviving spouse at any time within 5 years before  
18 the recipient applied for medical assistance or during the time that the recipient was  
19 eligible for medical assistance.

20 **SECTION 1184.** 49.496 (3) (a) (intro.) of the statutes is amended to read:

21 49.496 (3) (a) (intro.) Except as provided in par. (b), the department shall file  
22 a claim against the estate of a recipient, and against the estate of a nonrecipient  
23 surviving spouse, for all of the following, subject to the exclusion of any amounts  
24 under the Long-Term Care Partnership Program established under s. 49.45 (31),  
25 unless already recovered by the department under this section:

1           **SECTION 1185.** 49.496 (3) (a) 2. a. of the statutes is amended to read:

2           49.496 (3) (a) 2. a. Home-based or community-based services under 42 USC  
3           1396d (a) (7) and (8) ~~and under any waiver granted under 42 USC 1396n (c) (4) (B)~~  
4           ~~or 42 USC 1396u.~~

5           **SECTION 1186.** 49.496 (3) (a) 2. am. of the statutes is created to read:

6           49.496 (3) (a) 2. am. All services provided to an individual while the individual  
7           is participating in a long-term care program.

8           **SECTION 1187.** 49.496 (3) (a) 2. b. of the statutes is repealed.

9           **SECTION 1188.** 49.496 (3) (a) 2. c. of the statutes is repealed.

10          **SECTION 1189.** 49.496 (3) (ad) of the statutes is created to read:

11          49.496 (3) (ad) The amount the department may claim against an estate of a  
12          recipient, or an estate of a nonrecipient surviving spouse, for services that are  
13          described under par. (a) 2. am. and that are provided by a managed long-term care  
14          program funded by capitated payments is equal to the amount of the capitated  
15          payment for the recipient.

16          **SECTION 1190.** 49.496 (3) (aj) of the statutes is created to read:

17          49.496 (3) (aj) 1. Property that is subject to the department's claim under par.  
18          (a) in the estate of a recipient or in the estate of a nonrecipient surviving spouse is  
19          all property of a decedent that is included in the estate.

20          2. There is a presumption, which may be rebutted by clear and convincing  
21          evidence, that all property in the estate of a nonrecipient surviving spouse was  
22          marital property held with the recipient and that 100 percent of the property in the  
23          estate of the nonrecipient surviving spouse is subject to the department's claim  
24          under par. (a).

25          **SECTION 1191.** 49.496 (3) (am) (intro.) of the statutes is amended to read:

**SECTION 1191**

1           49.496 (3) (am) (intro.) The court shall reduce the amount of a claim under par.  
2           (a) by up to the amount specified in s. 861.33 (2) if necessary to allow the recipient's  
3           ~~decedent's~~ heirs or the beneficiaries of the recipient's ~~decedent's~~ will to retain the  
4           following personal property:

5           **SECTION 1192.** 49.496 (3) (c) 1. of the statutes is amended to read:

6           49.496 (3) (c) 1. If the department's claim is not allowable because of par. (b)  
7           and the estate includes an interest in any real property, including a home, the court  
8           exercising probate jurisdiction shall, in the final judgment or summary findings and  
9           order, assign the interest in the ~~home~~ real property subject to a lien in favor of the  
10          department for the amount described in par. (a). The personal representative or  
11          petitioner for summary settlement or summary assignment of the estate shall record  
12          the final judgment as provided in s. 863.29, 867.01 (3) (h), or 867.02 (2) (h).

13          **SECTION 1193.** 49.496 (3) (c) 2. of the statutes is amended to read:

14          49.496 (3) (c) 2. If the department's claim is not allowable because of par. (b),  
15          the estate includes an interest in any real property, including a home, and the  
16          personal representative closes the estate by sworn statement under s. 865.16, the  
17          personal representative shall stipulate in the statement that the ~~home~~ real property  
18          is assigned subject to a lien in favor of the department for the amount described in  
19          par. (a). The personal representative shall record the statement in the same manner  
20          as described in s. 863.29, as if the statement were a final judgment.

21          **SECTION 1194.** 49.496 (3) (d) (intro.) of the statutes is amended to read:

22          49.496 (3) (d) (intro.) The department may not enforce ~~the a~~ lien under par. (c)  
23          as long as any of the following survive the decedent:

24          **SECTION 1195.** 49.496 (3) (dm) of the statutes is created to read:

1           49.496 (3) (dm) All of the following apply to a lien under par. (c) that the  
2       department may not enforce because of par. (d):

3           1. If the decedent's surviving spouse or child who is under age 21 or disabled  
4       refinances a mortgage on the real property, the lien is subordinate to the new  
5       encumbrance.

6           2. The department shall release the lien in the circumstances described in s.  
7       49.848 (5) (f).

8           **SECTION 1196.** 49.496 (6m) of the statutes is amended to read:

9           49.496 (6m) **WAIVER DUE TO HARDSHIP.** The department shall promulgate rules  
10       establishing standards for determining whether the application of this section would  
11       work an undue hardship in individual cases. If the department determines that the  
12       application of this section would work an undue hardship in a particular case, the  
13       department shall waive application of this section in that case. This subsection does  
14       not apply with respect to claims against the estates of nonrecipient surviving  
15       spouses.

16          **SECTION 1197.** 49.4962 of the statutes is created to read:

17          **49.4962 Voiding certain transfers of real property. (1) DEFINITIONS.** In  
18       this section:

19           (a) "Conveyance" has the meaning given in s. 706.01 (4).

20           (b) "Fair market value" means the price that a willing buyer would pay a willing  
21       seller for the purchase of real property.

22           (c) "Fraudulent transfer" means any of the following:

23           1. A transfer of title to real property for less than fair market value.

1           2. A transfer of title to real property by a conveyance that is not recorded during  
2           the lifetime of the grantor in the office of the register of deeds of the county in which  
3           the real property is located.

4           (d) “Grantee” has the meaning given in s. 706.01 (6).

5           (e) “Grantor” has the meaning given in s. 706.01 (6).

6           **(2) VOIDABLE TRANSFERS.** (a) A transfer of real property to which all of the  
7           following apply is voidable by the department:

8           1. The transfer was made by a grantor who was receiving or who received  
9           medical assistance, or by someone on his or her behalf, during the time that the  
10          grantor was eligible for medical assistance.

11          2. The department was not notified and was unaware that the transfer was  
12          made.

13          3. The transfer was made to hinder, delay, or defraud the department from  
14          recovering medical assistance benefits that were paid on behalf of the grantor.

15          (b) The department may commence an action in circuit court against the  
16          grantee to void the transfer. If the court voids the transfer, the title to the real  
17          property reverts to the grantor or his or her estate.

18          **(3) PRESUMPTION.** There is a presumption, which may be rebutted by clear and  
19          convincing evidence, that a transfer described in sub. (2) (a) 1. that is a fraudulent  
20          transfer was made to hinder, delay, or defraud the department from recovering  
21          medical assistance benefits that were paid on behalf of the grantor.

22          **(4) BURDEN OF PROOF.** With respect to a transfer under sub. (1) (c) 1., the burden  
23          of proof for establishing fair market value is on the grantee. Fair market value must  
24          be established through a credible methodology, which may include an appraisal  
25          performed by a licensed appraiser.



1           **(5) INAPPLICABLE TO PURCHASER IN GOOD FAITH.** Subsection (2) does not apply if,  
2           after the transfer described in sub. (2), the real property was transferred by a  
3           conveyance to a purchaser in good faith and for a valuable consideration and the  
4           conveyance was recorded.

5           **(6) APPLICABILITY.** This section applies to any of the following transfers of real  
6           property:

7           (a) A transfer that is made on or after the effective date of this paragraph ....  
8           [LRB inserts date].

9           (b) A transfer that was made before the effective date of this paragraph .... [LRB  
10          inserts date], if the grantor is receiving medical assistance on, or receives medical  
11          assistance after, the effective date of this paragraph .... [LRB inserts date].

12          **SECTION 1198.** 49.67 of the statutes is repealed.

13          **SECTION 1199.** 49.682 (1) (am) of the statutes is created to read:

14          49.682 (1) (am) “Decedent” means a deceased client or a deceased nonclient  
15          surviving spouse, whichever is applicable.

16          **SECTION 1200.** 49.682 (1) (d) of the statutes is created to read:

17          49.682 (1) (d) “Nonclient surviving spouse” means any person who was married  
18          to a client while the client was receiving services for which the cost may be recovered  
19          under sub. (2) (a) and who survived the client.

20          **SECTION 1201.** 49.682 (1) (e) of the statutes is created to read:

21          49.682 (1) (e) 1. “Property of a decedent” means all real and personal property  
22          to which the client held any legal title or in which the client had any legal interest  
23          immediately before death, to the extent of that title or interest, including assets  
24          transferred to a survivor, heir, or assignee through joint tenancy, tenancy in common,  
25          survivorship, life estate, living trust, or any other arrangement.

**SECTION 1201**

1           2. Notwithstanding subd. 1., “property of a decedent” includes all real and  
2       personal property in which the nonclient surviving spouse had an ownership interest  
3       at the client’s death and in which the client had a marital property interest with that  
4       nonclient surviving spouse at any time within 5 years before the client applied for  
5       aid under s. 49.68, 49.683, or 49.685 or during the time that the recipient was eligible  
6       for aid under s. 49.68, 49.683, or 49.685.

7           **SECTION 1202.** 49.682 (2) (a) of the statutes is amended to read:

8           49.682 (2) (a) Except as provided in par. (d), the department shall file a claim  
9       against the estate of a client ~~or, and~~ against the estate of the a nonclient surviving  
10      spouse ~~of a client,~~ for the amount of aid under s. 49.68, 49.683, or 49.685 paid to or  
11      on behalf of the client.

12          **SECTION 1203.** 49.682 (2) (bm) of the statutes is created to read:

13          49.682 (2) (bm) 1. Property that is subject to the department’s claim under par.  
14      (a) in the estate of a client or in the estate of a nonclient surviving spouse is all  
15      property of a decedent that is included in the estate.

16          2. There is a presumption, which may be rebutted by clear and convincing  
17      evidence, that all property in the estate of the nonclient surviving spouse was marital  
18      property held with the client and that 100 percent of the property in the estate of the  
19      nonclient surviving spouse is subject to the department’s claim under par. (a).

20          **SECTION 1204.** 49.682 (2) (c) (intro.) of the statutes is amended to read:

21          49.682 (2) (c) (intro.) The court shall reduce the amount of a claim under par.  
22      (a) by up to the amount specified in s. 861.33 (2) if necessary to allow the client’s  
23      decedent’s heirs or the beneficiaries of the client’s decedent’s will to retain the  
24      following personal property:

25          **SECTION 1205.** 49.682 (2) (e) 1. of the statutes is amended to read:

1           49.682 (2) (e) 1. If the department's claim is not allowable because of par. (d)  
2           and the estate includes an interest in real property, including a home, the court  
3           exercising probate jurisdiction shall, in the final judgment or summary findings and  
4           order, assign the interest in the ~~home~~ real property subject to a lien in favor of the  
5           department for the amount described in par. (a). The personal representative or  
6           petitioner for summary settlement or summary assignment of the estate shall record  
7           the final judgment as provided in s. 863.29, 867.01 (3) (h), or 867.02 (2) (h).

8           **SECTION 1206.** 49.682 (2) (e) 2. of the statutes is amended to read:

9           49.682 (2) (e) 2. If the department's claim is not allowable because of par. (d),  
10          the estate includes an interest in real property, including a home, and the personal  
11          representative closes the estate by sworn statement under s. 865.16, the personal  
12          representative shall stipulate in the statement that the ~~home~~ real property is  
13          assigned subject to a lien in favor of the department for the amount described in par.  
14          (a). The personal representative shall record the statement in the same manner as  
15          described in s. 863.29, as if the statement were a final judgment.

16          **SECTION 1207.** 49.682 (2) (f) (intro.) of the statutes is amended to read:

17          49.682 (2) (f) (intro.) The department may not enforce ~~the~~ a lien under par. (e)  
18          as long as any of the following survive the decedent:

19          **SECTION 1208.** 49.682 (2) (fm) of the statutes is created to read:

20          49.682 (2) (fm) All of the following apply to a lien under par. (e) that the  
21          department may not enforce because of par. (f):

22               1. If the decedent's surviving spouse or child who is under age 21 or disabled  
23               refinances a mortgage on the real property, the lien is subordinate to the new  
24               encumbrance.

1           2. The department shall release the lien in the circumstances described in s.  
2   49.848 (5) (f).

3           **SECTION 1209.** 49.682 (3) of the statutes is amended to read:

4           49.682 (3) The department shall administer the program under this section  
5   and may contract with an entity to administer all or a portion of the program,  
6   including gathering and providing the department with information needed to  
7   recover payment of aid provided under s. 49.68, 49.683, or 49.685. All funds received  
8   under this subsection, net of any amount claimed under s. ~~867.035 (3)~~ 49.849 (5),  
9   shall be remitted for deposit in the general fund.

10          **SECTION 1210.** 49.682 (5) of the statutes is amended to read:

11          49.682 (5) The department shall promulgate rules establishing standards for  
12   determining whether the application of this section would work an undue hardship  
13   in individual cases. If the department determines that the application of this section  
14   would work an undue hardship in a particular case, the department shall waive  
15   application of this section in that case. This subsection does not apply with respect  
16   to claims against the estates of nonclient surviving spouses.

17          **SECTION 1211.** 49.78 (1) (b) of the statutes is amended to read:

18          49.78 (1) (b) “Income maintenance program” means the Medical Assistance  
19   program under subch. IV of ch. 49, the Badger Care health care program under s.  
20   49.665, the food stamp program under 7 USC 2011 to 2036 except for the employment  
21   and training program described in s. 49.79 (9), or the cemetery, funeral, and burial  
22   expenses program under s. 49.785.

23          **SECTION 1212.** 49.79 (9) (a) 1. of the statutes is amended to read:

24          49.79 (9) (a) 1. The department shall administer an employment and training  
25   program for recipients under the food stamp program and may contract with county

1 departments under ss. 46.215, 46.22, and 46.23, multicounty consortia, and with  
2 local workforce development boards established under 29 USC 2832, tribal  
3 governing bodies, or other organizations to carry out the administrative functions.  
4 ~~The department may contract, or a~~ A county department, multicounty consortium,  
5 ~~or local workforce development board~~, tribal governing body, or other organization  
6 may subcontract, with a Wisconsin Works agency or another provider to administer  
7 the employment and training program under this subsection. Except as provided in  
8 subds. 2. and 3., the department may require able individuals who are 18 to 60 years  
9 of age who are not participants in a Wisconsin Works employment position to  
10 participate in the employment and training program under this subsection.

11 **SECTION 1213.** 49.79 (9) (a) 2. of the statutes is amended to read:

12 49.79 (9) (a) 2. The department may not require an individual who is a recipient  
13 under the food stamp program and who is the caretaker of a child under the age of  
14 ~~12 weeks~~ 6 to participate in any employment and training program under this  
15 subsection.

16 **SECTION 1214.** 49.79 (9) (b) (intro.) of the statutes is amended to read:

17 49.79 (9) (b) (intro.) ~~An~~ Except as provided in par. (c), an individual who fails  
18 to comply with the work requirements under par. (a) without good cause is ineligible  
19 to participate in the food stamp program as follows:

20 **SECTION 1215.** 49.79 (9) (c) of the statutes is created to read:

21 49.79 (9) (c) If the department implements a policy under sub. (10), par. (b) does  
22 not apply to an individual who is required to fulfill the work requirement under sub.  
23 (10) (b).

24 **SECTION 1216.** 49.79 (10) of the statutes is created to read:

1           **49.79 (10) ELIGIBILITY AND WORK REQUIREMENTS FOR ABLE-BODIED ADULTS.** (a) In  
2 this subsection, “able-bodied adult” means an individual who is not any of the  
3 following:

- 4           1. Younger than 18 years of age.
- 5           2. Fifty years of age or older.
- 6           3. Determined by the department to be medically certified as physically or  
7 mentally unfit for employment, as described in 7 CFR 273.24 (c) (2).
- 8           4. A parent of a household member who is younger than 18 years old, even if  
9 the household member who is younger than 18 years old is not eligible for food  
10 stamps.
- 11          5. Residing in a household that includes a household member who is younger  
12 than 18 years old, even if the household member who is younger than 18 years old  
13 is not eligible for food stamps.
- 14          6. Exempt from the work requirement under the food stamp program, as  
15 described in 7 CFR 273.24 (c) (5).

- 16          7. Pregnant.

17           (b) The department may implement a policy that complies with 7 CFR 273.24.  
18 If the department implements a policy under this paragraph, all of the following  
19 apply:

- 20          1. The department shall require an able-bodied adult who is participating in  
21 the food stamp program to fulfill the work requirement defined under 7 CFR 273.24  
22 (a) (1).

- 23          2. If an able-bodied adult does not fulfill the work requirement, the department  
24 may limit the able-bodied adult’s eligibility for food stamps to no more than 3 months  
25 during a 3-year period.

1           3. The department may exempt up to 15 percent of the able-bodied adults who  
2           are participating in the food stamp program from the time limit under subd. 2.

3           (c) If the department determines that a waiver, or an amendment to a waiver,  
4           is necessary to implement a policy that complies with 7 CFR 273.24, the department  
5           shall request the waiver or the amendment to the waiver from the federal  
6           department of agriculture to permit the department to implement a policy that  
7           complies with 7 CFR 273.24 as provided under this subsection.

8           **SECTION 1217.** 49.826 (2) (a) 3. of the statutes is repealed.

9           **SECTION 1218.** 49.83 of the statutes is amended to read:

10          **49.83 Limitation on giving information.** Except as provided under ss.  
11          49.25 and 49.32 (9), (10), and (10m), no person may use or disclose information  
12          concerning applicants and recipients of relief funded by a relief block grant, aid to  
13          families with dependent children, Wisconsin Works under ss. 49.141 to 49.161, social  
14          services, child and spousal support and establishment of paternity and medical  
15          support liability services under s. 49.22, or supplemental payments under s. 49.77  
16          for any purpose not connected with the administration of the programs, except that  
17          the ~~department~~ departments of children and families and health services may  
18          disclose, including by transmitting or granting access to electronic data, such  
19          information, including social security numbers, to the department of revenue for the  
20          sole ~~purpose~~ purposes of administering state taxes, including verifying refundable  
21          individual income tax credits, and collecting debts owed to the department of  
22          revenue. Any person violating this section may be fined not less than \$25 nor more  
23          than \$500 or imprisoned in the county jail not less than 10 days nor more than one  
24          year or both.

25          **SECTION 1219.** 49.84 (6) (c) 1. d. of the statutes is amended to read:

1           49.84 (6) (c) 1. d. A child who is receiving medical assistance under s. 49.46 (1)  
2           (a) 13., 49.47 (4) (am) 3., or 49.471 (4) (a) 2. ~~or (b) 2.~~ or an unborn child receiving  
3           prenatal care under s. 49.471.

4           **SECTION 1220.** 49.84 (7) of the statutes is created to read:

5           49.84 (7) (a) In this subsection:

6           1. “Department” means the department of health services.

7           2. “Medical Assistance” means the Medical Assistance program under subch.

8           IV.

9           (b) Except as provided in par. (c), for determining eligibility or continued  
10          eligibility the department shall electronically verify the residence of an applicant for  
11          or recipient of Medical Assistance. If the department is unable to verify the  
12          applicant’s or recipient’s residence electronically, the applicant or recipient must  
13          provide adequate proof of residency, in the manner determined by the department,  
14          to be eligible for Medical Assistance.

15          (c) The requirements under par. (b) do not apply with respect to any of the  
16          following:

17          1. An individual who is receiving benefits under the food stamp program under  
18          7 USC 2011 to 2029 or under the Temporary Assistance for Needy Families block  
19          grant program and who presented an acceptable form of residency verification for  
20          receipt of those benefits.

21          2. An individual who resides in a nursing home, intermediate care facility,  
22          inpatient psychiatric hospital, or other residential care facility and whose care in the  
23          facility is paid for by Medical Assistance.

24          3. A child residing in a foster care placement under the care and placement  
25          responsibility of a county department under s. 46.215, 46.22, or 46.23 or, in a county



1 with a population of 500,000 or more, under the care and placement responsibility  
2 of the department of children and families.

3 **SECTION 1221.** 49.848 of the statutes is created to read:

4 **49.848 Treatment of real property owned by certain public assistance**  
5 **recipients. (1) DEFINITIONS.** In this section:

6 (a) “Department” means the department of health services.

7 (b) “Public assistance” means any services provided as a benefit under a  
8 long-term care program, as defined in s. 49.496 (1) (bk), that may be recoverable  
9 under s. 49.496 (3) (a); medical assistance under subch. IV that may be recoverable  
10 under s. 49.496 (3) (a); long-term community support services funded under s. 46.27  
11 (7) that may be recoverable under s. 46.27 (7g) (c) 1.; or aid under s. 49.68, 49.683,  
12 or 49.685 that may be recoverable under s. 49.682 (2) (a).

13 (c) “Recipient” means a person who received public assistance.

14 **(2) CREATION OF DOCUMENTS FOR RECORDING.** The department shall create all of  
15 the following for recording in the office of the register of deeds in the real estate  
16 records index:

17 (a) A document entitled “REQUEST FOR NOTICE OF TRANSFER OR  
18 ENCUMBRANCE AND NOTICE OF POTENTIAL CLAIM,” which shall require  
19 notice to the department with respect to any transfer of title to, placement of an  
20 encumbrance on, or termination of an interest in, the property to which the document  
21 relates and which shall provide notice that the department may have a claim against  
22 the property to which the document relates on the basis of providing public  
23 assistance to an individual who has or had a legal interest in the property.

24 (b) A document entitled “TERMINATION OF REQUEST FOR NOTICE OF  
25 TRANSFER OR ENCUMBRANCE AND NOTICE OF POTENTIAL CLAIM,” which

## SECTION 1221

1 shall provide notice that, with respect to property against which a REQUEST FOR  
2 NOTICE OF TRANSFER OR ENCUMBRANCE AND NOTICE OF POTENTIAL  
3 CLAIM has been recorded, no notice to the department is required when title to the  
4 property is transferred, an encumbrance is placed on the property, or an interest in  
5 the property is terminated.

6 (c) A document entitled "CERTIFICATE OF CLEARANCE," which shall  
7 provide notice that, with respect to property against which a REQUEST FOR  
8 NOTICE OF TRANSFER OR ENCUMBRANCE AND NOTICE OF POTENTIAL  
9 CLAIM has been recorded, but against which a TERMINATION OF REQUEST FOR  
10 NOTICE OF TRANSFER OR ENCUMBRANCE AND NOTICE OF POTENTIAL  
11 CLAIM has not been recorded, the department has no objection to the transfer of title  
12 to, placement of an encumbrance on, or termination of an interest in, the property,  
13 and that no notice to the department is required in the future when title to the  
14 property is transferred, an encumbrance is placed on the property, or an interest in  
15 the property is terminated.

16 **(3) RECORDING OF REQUEST FOR NOTICE AND TERMINATION OF REQUEST FOR NOTICE.**

17 (a) 1. Whenever an individual becomes eligible for public assistance, and at any time  
18 during the time that an individual is eligible for public assistance, the department  
19 may record a REQUEST FOR NOTICE OF TRANSFER OR ENCUMBRANCE AND  
20 NOTICE OF POTENTIAL CLAIM if the individual has any of the following  
21 ownership interests in real property:

22 a. A current ownership interest in real property, including a marital property  
23 interest.

24 b. At any time within 5 years before the individual applied for public assistance  
25 or during the time that the individual is eligible for public assistance, a marital

1 property interest in real property with his or her current spouse, if that spouse  
2 currently holds title to the real property.

3 2. The department shall record the document in the office of the register of  
4 deeds of the county in which the real property under subd. 1. a. or b., whichever is  
5 applicable, is located.

6 3. In this paragraph, an interest in real property includes a vendee's or vendor's  
7 interest in a land contract or an interest in real property held in a revocable trust.

8 (b) Whenever the department determines that, with respect to property  
9 against which a REQUEST FOR NOTICE OF TRANSFER OR ENCUMBRANCE  
10 AND NOTICE OF POTENTIAL CLAIM has been recorded, the department no  
11 longer requires notice when title to the property is transferred, an encumbrance is  
12 placed on the property, or an interest in the property is terminated, the department  
13 shall record a TERMINATION OF REQUEST FOR NOTICE OF TRANSFER OR  
14 ENCUMBRANCE AND NOTICE OF POTENTIAL CLAIM in the office of the  
15 register of deeds of the county in which the REQUEST FOR NOTICE OF  
16 TRANSFER OR ENCUMBRANCE AND NOTICE OF POTENTIAL CLAIM with  
17 respect to the property was recorded.

18 (3m) DISCLOSURE OF REQUEST FOR NOTICE. If, in the course of a title search on  
19 real property, a title insurance company or agent finds that a REQUEST FOR  
20 NOTICE OF TRANSFER OR ENCUMBRANCE AND NOTICE OF POTENTIAL  
21 CLAIM has been recorded against the property but a TERMINATION OF  
22 REQUEST FOR NOTICE OF TRANSFER OR ENCUMBRANCE AND NOTICE OF  
23 POTENTIAL CLAIM has not been recorded against the property, the title insurance  
24 company or agent shall disclose that a REQUEST FOR NOTICE OF TRANSFER OR  
25 ENCUMBRANCE AND NOTICE OF POTENTIAL CLAIM has been recorded

**SECTION 1221**

1 against the property in any report submitted preliminary to issuing, or in any  
2 commitment to offer, a certificate of title insurance for the real property.

3 (4) TRANSFERRING, ENCUMBERING, OR TERMINATING AN INTEREST IN PROPERTY;  
4 CLEARANCE BY THE DEPARTMENT. (a) Any person transferring title to, encumbering, or  
5 terminating an interest in, property against which a REQUEST FOR NOTICE OF  
6 TRANSFER OR ENCUMBRANCE AND NOTICE OF POTENTIAL CLAIM has  
7 been recorded, but against which a TERMINATION OF REQUEST FOR NOTICE  
8 OF TRANSFER OR ENCUMBRANCE AND NOTICE OF POTENTIAL CLAIM has  
9 not been recorded, shall notify the department of the proposed transfer,  
10 encumbrance, or termination of interest.

11 (b) If, on the date that the person sends the notice under par. (a), the recipient  
12 who had the ownership interest in the property when the department recorded the  
13 REQUEST FOR NOTICE OF TRANSFER OR ENCUMBRANCE AND NOTICE OF  
14 POTENTIAL CLAIM is alive, the person may transfer title to, encumber, or  
15 terminate an interest in, the property with no further action by the department.

16 (c) If, on the date that the person sends the notice under par. (a), the recipient  
17 who had the ownership interest in the property when the department recorded the  
18 REQUEST FOR NOTICE OF TRANSFER OR ENCUMBRANCE AND NOTICE OF  
19 POTENTIAL CLAIM is deceased, all of the following apply:

20 1. The department shall determine whether it has a claim against the property  
21 for amounts paid on behalf of the recipient that are recoverable under s. 46.27 (7g)  
22 (c) 1., 49.496 (3) (a), or 49.682 (2) (a).

23 2. If the department determines that it has no claim under subd. 1., the  
24 department shall issue to the person seeking to transfer title to, encumber, or  
25 terminate an interest in, the real property a CERTIFICATE OF CLEARANCE,

1 which the person shall record along with the instrument transferring title to,  
2 encumbering, or terminating the interest in, the property.

3 3. If the department determines that it has a claim under subd. 1., the  
4 department shall follow the procedure under sub. (5).

5 4. Transferring title to, encumbering, or terminating an interest in, the  
6 property is not valid unless the department issues to the person, and the person  
7 records, a CERTIFICATE OF CLEARANCE.

8 (5) PROCEDURE IF DEPARTMENT HAS A CLAIM AGAINST REAL PROPERTY. (a) This  
9 subsection applies in any of the following situations:

10 1. If the department determines that it has a claim against real property under  
11 sub. (4) (c) 1.

12 2. Upon the death of a recipient who, immediately before death, had an  
13 ownership interest in real property, including a marital property interest, or whose  
14 surviving spouse has an ownership interest in real property in which the recipient  
15 had a marital property interest with that spouse at any time within 5 years before  
16 the recipient applied for public assistance or during the time that the recipient was  
17 eligible for public assistance, regardless of whether the department recorded a  
18 REQUEST FOR NOTICE OF TRANSFER OR ENCUMBRANCE AND NOTICE OF  
19 POTENTIAL CLAIM with respect to the property.

20 (b) Unless the property is being transferred under s. 867.03 or through formal  
21 or informal administration of the recipient's estate, the department shall send to the  
22 person providing the notice to the department under sub. (4) (a), or to the surviving  
23 owner of the property, whichever is applicable, a statement of claim that states all  
24 of the following:

**SECTION 1221**

1           1. That the department has a claim against the property that it intends to  
2 recover from the property.

3           2. The amount of and basis for the claim.

4           3. That the person has a right to an administrative hearing under par. (bm),  
5 which must be requested within 45 days after the department sent the statement of  
6 claim, on the extent and fair market value of the recipient's interest in the property  
7 and how to request an administrative hearing.

8           4. That the transferee of the recipient's interest in the property or the surviving  
9 owner of the property may request from the department a hardship waiver and how  
10 to request a hardship waiver.

11           (bm) A person who receives a statement of claim from the department under  
12 par. (b) is entitled to and may, within 45 days after the department sent the  
13 statement of claim, request a departmental fair hearing on the value of the property  
14 and the extent of the recipient's interest in the property. The value of the recipient's  
15 interest in the property shall be determined in the manner provided in s. 49.849 (5c).

16           (c) The department may recover against the property in the manner  
17 determined by the department to be appropriate, including by placing a lien on the  
18 property. Subject to par. (d), the department may enforce a lien on the property by  
19 foreclosure in the same manner as a mortgage on real property.

20           (d) The department may not enforce a lien under par. (c) as long as any of the  
21 following is alive:

22           1. The recipient's spouse.

23           2. The recipient's child who is under age 21 or disabled, as defined in s. 49.468

24           (1) (a) 1.

1 (e) If the recipient's surviving spouse or child who is under age 21 or disabled  
2 refinances a mortgage on the property, any lien under par. (c) is subordinate to the  
3 new encumbrance.

4 (f) The department shall release a lien under par. (c) that the department could  
5 not enforce because of par. (d), if any of the following applies:

6 1. The recipient's surviving spouse or child who is under age 21 or disabled sells  
7 the property for fair market value, as described in s. 49.849 (5c) (d), during the  
8 spouse's or child's lifetime.

9 2. The recipient's surviving spouse or child who is under age 21 or disabled  
10 transfers the property for less than fair market value, as described in s. 49.849 (5c)  
11 (d), during the spouse's or child's lifetime, the transferee sells the property during the  
12 spouse's or child's lifetime and places proceeds equal to the lesser of the department's  
13 lien or the sale proceeds due to the seller in a trust or bond, and the department is  
14 paid the secured amount upon the death of the recipient's spouse or disabled child  
15 or when the recipient's child who is not disabled reaches age 21.

16 3. The surviving owner or transferee of the property, who is not the recipient's  
17 surviving spouse or child who is under age 21 or disabled, sells the property during  
18 the lifetime of the recipient's surviving spouse or child who is under age 21 or  
19 disabled and places proceeds equal to the lesser of the department's lien or the sale  
20 proceeds due to the seller in a trust or bond, and the department is paid the secured  
21 amount upon the death of the recipient's spouse or disabled child or when the  
22 recipient's child who is not disabled reaches age 21.

23 **SECTION 1222.** 49.849 of the statutes is created to read:

24 **49.849 Recovery of correct payments under certain public assistance**  
25 **programs. (1) DEFINITIONS.** In this section:

1 (a) “Decedent” means a deceased recipient or a deceased nonrecipient surviving  
2 spouse, whichever is applicable.

3 (b) “Department” means the department of health services.

4 (c) “Nonrecipient surviving spouse” means any person who was married to a  
5 recipient while the recipient was receiving public assistance and who survived the  
6 recipient.

7 (d) 1. “Property of a decedent” means all real and personal property to which  
8 the recipient held any legal title or in which the recipient had any legal interest  
9 immediately before death, to the extent of that title or interest, including assets  
10 transferred to a survivor, heir, or assignee through joint tenancy, tenancy in common,  
11 survivorship, life estate, living trust, or any other arrangement.

12 2. Notwithstanding subd. 1., “property of a decedent” includes all real and  
13 personal property in which the nonrecipient surviving spouse had an ownership  
14 interest at the recipient’s death and in which the recipient had a marital property  
15 interest with that nonrecipient surviving spouse at any time within 5 years before  
16 the recipient applied for public assistance or during the time that the recipient was  
17 eligible for public assistance.

18 (e) “Public assistance” means any services provided as a benefit under a  
19 long-term care program, as defined in s. 49.496 (1) (bk), medical assistance under  
20 subch. IV, long-term community support services funded under s. 46.27 (7), or aid  
21 under s. 49.68, 49.683, or 49.685.

22 (f) “Recipient” means a person who received public assistance.

23 (2) RECOVERABLE AMOUNTS. (c) There is a presumption, which may be rebutted  
24 by clear and convincing evidence, that all property of the deceased nonrecipient  
25 surviving spouse was marital property held with the recipient and that 100 percent



1 of the property of the deceased nonrecipient surviving spouse is subject to the  
2 department's claim under par. (a).

3 (3) TRANSMITTAL OF PROPERTY UPON RECEIPT OF AFFIDAVIT. (a) Any property of a  
4 decedent that is transferred by a person who has possession of the property at the  
5 time of the decedent's death is subject to the right of the department to recover the  
6 amounts specified in sub. (2) (a). Upon request, the person who transferred the  
7 property shall provide to the department information about the property of the  
8 decedent that the person has transferred and information about the persons to whom  
9 the property was transferred.

10 (c) An affidavit under this subsection shall contain all of the following  
11 information:

12 1. That the department has a claim against the property that it intends to  
13 recover from the property.

14 2. The amount of and basis for the claim.

15 3. That the person may have a right to an administrative hearing under sub.  
16 (5m), which must be requested within 45 days after the department sent the  
17 affidavit, on the extent and fair market value of the recipient's interest in the  
18 property.

19 4. How to request an administrative hearing under sub. (5m).

20 5. That the person may request from the department a hardship waiver, if the  
21 person co-owned the property with the decedent or is a beneficiary of the property.

22 6. How to request a hardship waiver under subd. 5.

23 (4) RECOVERY AGAINST REAL PROPERTY. (c) All of the following apply to a lien  
24 under par. (a) that the department may not enforce because of par. (b):

1           1. If the decedent's surviving spouse or child who is under age 21 or disabled  
2   refinances a mortgage on the real property, the lien is subordinate to the new  
3   encumbrance.

4           2. The department shall release the lien in the circumstances described in s.  
5   49.848 (5) (f).

6           **(4m)** ALLOWABLE COSTS OF SALE OF REAL PROPERTY. (a) Subject to par. (b), if any  
7   property of a decedent that is real property has been sold after the death of the  
8   decedent, only the following reasonable expenses, if any, incurred in preserving or  
9   disposing of the real property may be deducted from the sale proceeds that the  
10   department may recover:

11           1. Closing costs of sale, including reasonable attorney fees of the seller, the cost  
12   of title insurance, and recording costs.

13           2. Property insurance premiums.

14           3. Property taxes due.

15           4. Utility costs necessary to preserve the property.

16           5. Expenses incurred in providing necessary maintenance or making necessary  
17   repairs, without which the salability of the property would be substantially  
18   impaired.

19           (b) Any expense under par. (a) may be deducted from the sale proceeds only if  
20   it is documented and approved by the department and it was not incurred while any  
21   other individual was living on the property.

22           **(5c)** VALUE OF RECIPIENT'S INTEREST. For purposes of determining the value of  
23   the recipient's interest in property of the decedent, all of the following apply:

24           (a) If the recipient held title to real property jointly with one or more persons  
25   other than his or her spouse, the recipient's interest in the real property is equal to

1 the fractional interest that the recipient would have had in the property if the  
2 property had been held with the other owner or owners as tenants in common.

3 (b) If the recipient held title to personal property jointly with one or more  
4 persons other than his or her spouse, the recipient's interest in the personal property  
5 is equal to either of the following:

6 1. The percentage interest that was attributed to the recipient when his or her  
7 eligibility for public assistance was determined.

8 2. If the percentage interest was not determined as provided in subd. 1., the  
9 fractional interest that the recipient would have had in the property if the property  
10 had been held with the other co-owner or co-owners as tenants in common.

11 (c) If the recipient held a life estate in real property, the recipient's interest is  
12 equal to the recipient's percentage of ownership in the property based on the  
13 recipient's age on the date of death and calculated using the fair market value of the  
14 property and life estate-remainderman tables used by the department to value life  
15 estates for purposes of determining eligibility for Medical Assistance.

16 (d) A property's fair market value is the price that a willing buyer would pay  
17 a willing seller for the purchase of the property. The burden of proof for establishing  
18 a property's fair market value is on the surviving owners or beneficiaries, or their  
19 representatives. Fair market value must be established through a credible  
20 methodology, which may include an appraisal performed by a licensed appraiser.

21 **(5m)** FAIR HEARING. A person who has possession of any property of the  
22 decedent, or who receives an affidavit from the department under sub. (3) (c) for  
23 transmittal of any property of the decedent, is entitled to and may, within 45 days  
24 after the affidavit was sent, request a departmental fair hearing on the value of the  
25 property and the extent of the recipient's interest in the property, if the property is

1 not being transferred under s. 867.03 or through formal or informal administration  
2 of the decedent's estate.

3 (5r) ACTION OR ORDER TO ENFORCE RECOVERY. (a) If, after receipt of an affidavit  
4 under sub. (3), a person who possesses property of a decedent does not transmit the  
5 property to the department or timely request a hearing, the department may bring  
6 an action to enforce its right to collect amounts specified in sub. (2) (a) from the  
7 property or may issue an order to compel transmittal of the property. Any person  
8 aggrieved by an order issued by the department under this paragraph may appeal  
9 the order as a class 3 proceeding, as defined in s. 227.01 (3) (c), under ch. 227 by filing  
10 a request for appeal, within 30 days after the date of the order, with the division of  
11 hearings and appeals created under s. 15.103 (1). The date on which the division of  
12 hearings and appeals receives the request for appeal shall be the date of service. The  
13 only issue at the hearing shall be whether the person has transmitted the property  
14 to the department. The decision of the division of hearing and appeals shall be the  
15 final decision of the department.

16 (b) If any person named in an order to compel transmittal of property issued  
17 under par. (a) fails to transmit the property under the terms of the order and no  
18 contested case to review the order is pending and the time for filing for a contested  
19 case review has expired, the department may present a certified copy of the order to  
20 the circuit court for any county. The sworn statement of the secretary shall be  
21 evidence of the department's right to collect amounts specified in sub. (2) (a) from the  
22 property and of the person's failure to transmit the property to the department. The  
23 circuit court shall, without notice, render judgment in accordance with the order. A  
24 judgment rendered under this paragraph shall have the same effect and shall be  
25 entered in the judgment and lien docket and may be enforced in the same manner

1 as if the judgment had been rendered in an action tried and determined by the circuit  
2 court.

3 (c) The recovery procedure under this subsection is in addition to any other  
4 recovery procedure authorized by law.

5 (6) PAYMENTS FROM RECOVERED AMOUNTS.

6 **SECTION 1223.** 49.85 (title) of the statutes is amended to read:

7 **49.85 (title) Certification of certain public assistance overpayments,**  
8 **payment recoveries, and delinquent loan repayments.**

9 **SECTION 1224.** 49.85 (2) (a) (intro.) of the statutes is amended to read:

10 49.85 (2) (a) (intro.) At least annually, the department of health services shall  
11 certify to the department of revenue the amounts that, based on the notifications  
12 received under sub. (1) and on other information received by the department of  
13 health services, the department of health services has determined that it may  
14 recover under s. 49.45 (2) (a) 10., 49.497, 49.793, ~~or~~, 49.847, or 49.849, except that the  
15 department of health services may not certify an amount under this subsection  
16 unless all of the following apply:

17 **SECTION 1225.** 49.85 (2) (a) 4. of the statutes is created to read:

18 49.85 (2) (a) 4. If the determination relates to recovery of an amount under s.  
19 49.849, the determination was rendered to a judgment under s. 49.849 (5r) (b).

20 **SECTION 1226.** 49.85 (3) (a) 1. of the statutes is amended to read:

21 49.85 (3) (a) 1. Inform the person that the department of health services  
22 intends to certify to the department of revenue an amount that the department of  
23 health services has determined to be due under s. 49.45 (2) (a) 10., 49.497, 49.793,  
24 ~~or~~, 49.847, or 49.849, for setoff from any state tax refund that may be due the person.

25 **SECTION 1227.** 49.857 (1) (d) 14m. of the statutes is created to read:

1           49.857 (1) (d) 14m. A registration issued under ss. 202.12 to 202.14 or 202.22.

2           **SECTION 1228.** 50.01 (1g) (h) of the statutes is created to read:

3           50.01 (1g) (h) A private residence that is the home to adults who independently  
4           arrange for and receive care, treatment, or services for themselves from a person or  
5           agency that has no authority to exercise direction or control over the residence.

6           **SECTION 1229.** 50.03 (4m) (b) of the statutes is amended to read:

7           50.03 (4m) (b) If the applicant for licensure as a community-based residential  
8           facility has not been previously licensed under this subchapter or if the  
9           community-based residential facility is not in operation at the time application is  
10          made, the department shall issue a probationary license, except that the department  
11          may deny licensure to any person who conducted, maintained, operated or permitted  
12          to be maintained or operated a community-based residential facility for which  
13          licensure was revoked within 5 years before application is made. A probationary  
14          license shall be valid for up to 12 months from the date of issuance unless sooner  
15          suspended or revoked under sub. (5g). Prior to the expiration of a probationary  
16          license, the department shall ~~inspect~~ evaluate the community-based residential  
17          facility ~~and, if, In evaluating the community-based residential facility, the~~  
18          department may conduct an inspection of the community-based residential facility.  
19          If, after the department evaluates the community-based residential facility, the  
20          department finds that the community-based residential facility meets the  
21          applicable requirements for licensure, the department shall issue a regular license  
22          under sub. (4) (a) 1. b. If the department finds that the community-based residential  
23          facility does not meet the requirements for licensure, the department may not issue  
24          a regular license under sub. (4) (a) 1. b.

25          **SECTION 1230.** 50.14 (2) (bm) of the statutes is amended to read:

1           50.14 (2) (bm) For intermediate care facilities for persons with an intellectual  
2    disability, ~~an amount calculated by multiplying the projected annual gross revenues~~  
3    ~~of all intermediate care facilities for persons with an intellectual disability in this~~  
4    ~~state by 0.055, dividing the product by the number of licensed beds of intermediate~~  
5    ~~care facilities for persons with an intellectual disability in this state and dividing the~~  
6    ~~quotient by 12~~ \$910.

7           **SECTION 1231.** 50.14 (2m) of the statutes is repealed.

8           **SECTION 1232.** 51.025 of the statutes is created to read:

9           **51.025 Office of children's mental health.** The office of children's mental  
10   health shall study and recommend ways, and coordinate initiatives, to improve the  
11   integration across state agencies of mental health services provided to children and  
12   monitor the performance of programs that provide those services.

13          **SECTION 1233.** 51.06 (6) of the statutes is amended to read:

14          **51.06 (6) SALE OF ASSETS OR REAL PROPERTY AT NORTHERN CENTER FOR THE**  
15   **DEVELOPMENTALLY DISABLED.** The department may maintain the Northern Center for  
16   the Developmentally Disabled for the purpose specified in sub. (1), but may sell  
17   assets or real property, of the Northern Center for the Developmentally Disabled,  
18   subject to any prior action under s. 13.48 (14) (am) or 16.848 (1). If there is any  
19   outstanding public debt used to finance the acquisition, construction, or  
20   improvement of any property that is sold under this subsection, the department shall  
21   deposit a sufficient amount of the net proceeds from the sale of the property in the  
22   bond security and redemption fund under s. 18.09 to repay the principal and pay the  
23   interest on the debt, and any premium due upon refunding any of the debt. If the  
24   property was purchased with federal financial assistance, the department shall pay  
25   to the federal government any of the net proceeds required by federal law. If there

**SECTION 1233**

1 is no such debt outstanding and there are no moneys payable to the federal  
2 government, or if the net proceeds exceed the amount required to be deposited or paid  
3 under this subsection, the department shall credit the net proceeds or remaining net  
4 proceeds to the appropriation account under s. 20.435 (2) (gk).

5 **SECTION 1234.** 51.20 (13) (cr) of the statutes is amended to read:

6 51.20 (13) (cr) If the subject individual is before the court on a petition filed  
7 under a court order under s. 938.30 (5) (c) 1. and is found to have committed a  
8 violation that would be a felony if committed by an adult in this state or a violation  
9 of s. 940.225 (1) or (2), 948.02 (1) or (2), 948.025, or 948.085 (3m), 941.20 (1), 944.20,  
10 944.30, 944.31, 944.33 (1), 946.52, or 948.10 (1) (b), the court shall require the  
11 individual to provide a biological specimen to the state crime laboratories for  
12 deoxyribonucleic acid analysis.

13 **SECTION 1235.** 51.44 (1m) of the statutes is amended to read:

14 51.44 (1m) The department is the lead agency in this state for the development  
15 and implementation of a statewide system of coordinated, comprehensive  
16 multidisciplinary programs to provide appropriate early intervention services under  
17 the requirements of 20 USC ~~1476~~ 1431 to 1444.

18 **SECTION 1236.** 51.44 (5) (c) of the statutes is amended to read:

19 51.44 (5) (c) Annually, submit to the chief clerk of each house of the legislature  
20 for distribution to the legislature under s. 13.172 (2) a report on the department's  
21 progress toward full implementation of the program under this section, including the  
22 progress of counties in implementing goals for participation in 5th-year  
23 requirements under 20 USC ~~1476~~ 1431 to 1444.

24 **SECTION 1237.** 54.15 (8) (a) 3. of the statutes is amended to read:



1           54.15 (8) (a) 3. Any license, certificate, permit, or registration of the proposed  
2           guardian that is required under chs. 202 or 440 to 480 or by the laws of another state  
3           for the practice of a profession or occupation has been suspended or revoked.

4           **SECTION 1238.** 55.043 (4) (b) 5g. of the statutes is created to read:

5           55.043 (4) (b) 5g. Refer the case to the department of financial institutions if  
6           the financial exploitation, neglect, self-neglect, or abuse involves an individual who  
7           is required to be registered under s. 202.13 or 202.14.

8           **SECTION 1239.** 59.26 (1) (c) of the statutes is repealed.

9           **SECTION 1240.** 59.43 (1) (w) of the statutes is created to read:

10          59.43 (1) (w) Record and index the documents specified in s. 49.848 (2).

11          **SECTION 1241.** 59.43 (2) (ag) 1. of the statutes is amended to read:

12          59.43 (2) (ag) 1. Subject to s. 59.72 (5) ~~and except as provided in par. (L)~~, for  
13          recording any instrument entitled to be recorded in the office of the register of deeds,  
14          \$25 \$30, except that no fee may be collected for recording a change of address that  
15          is exempt from a filing fee under s. 185.83 (1) (b) or 193.111 (1) (b).

16          **SECTION 1242.** 59.43 (2) (e) of the statutes is amended to read:

17          59.43 (2) (e) Subject to s. 59.72 (5) ~~and except as provided in par. (L)~~, for filing  
18          any instrument which is entitled to be filed in the office of register of deeds and for  
19          which no other specific fee is specified, \$25 \$30.

20          **SECTION 1243.** 59.43 (2) (L) (intro.) of the statutes is amended to read:

21          59.43 (2) (L) (intro.) ~~For recording any instrument under par. (ag), filing any~~  
22          ~~instrument under par. (e), and recording certificates and preparing and mailing~~  
23          documents under par. (i), \$30 if the county uses \$5 of each \$30 fee received under this  
24          paragraph to make social security numbers from electronic format records not

**SECTION 1243**

viewable or accessible on the Internet under sub. (4) (c) and s. 59.72 (6), until the earliest of the following:

**SECTION 1244.** 59.605 (6) of the statutes is amended to read:

59.605 (6) ~~TEMPORARY SUSPENSION~~ SUNSET OF THE LIMIT. This section does not apply to a county's levy that is imposed in December 2011 or ~~December 2012~~ any year thereafter.

**SECTION 1245.** 59.69 (4c) of the statutes is amended to read:

59.69 (4c) CONSTRUCTION SITE ORDINANCE LIMITS. Except as provided in s. 101.1206 (5m), an ordinance that is enacted under sub. (4) may only include provisions that are related to construction site erosion control if those provisions are limited to sites ~~where the construction activities do not include the construction of a building~~ described in s. 281.33 (3) (a) 1. a. and b.

**SECTION 1246.** 59.693 (2) of the statutes is amended to read:

59.693 (2) AUTHORITY TO ENACT ORDINANCE. To effect the purposes of s. 281.33 and to promote the public health, safety and general welfare, a county may enact a zoning ordinance, that is applicable to all of its unincorporated area, except as provided in s. 60.627 (2) (b), for construction site erosion control at sites ~~where the construction activities do not include the construction of a building~~ described in s. 281.33 (3) (a) 1. a. and b. and for storm water management. This ordinance may be enacted separately from ordinances enacted under s. 59.69.

**SECTION 1247.** 59.693 (7) of the statutes is amended to read:

59.693 (7) APPLICABILITY OF LOCAL SUBDIVISION REGULATION. All powers granted to a county under s. 236.45 may be exercised by the county with respect to construction site erosion control at sites ~~where the construction activities do not include the construction of a building~~ described in s. 281.33 (3) (a) 1. a. and b. or with

1 respect to storm water management regulation, if the county has or provides a  
2 county planning agency as defined in s. 236.02 (1) (3).

3 **SECTION 1248.** 59.72 (5) (a) of the statutes is amended to read:

4 59.72 (5) (a) Before the 16th day of each month a register of deeds shall submit  
5 to the department of administration \$10 \$15 from the fee for recording or filing each  
6 instrument that is recorded or filed under s. 59.43 (2) (ag) 1. or (e), less any amount  
7 retained by the county under ~~par. pars.~~ (b) and (c).

8 **SECTION 1249.** 59.72 (5) (b) (intro.) of the statutes is amended to read:

9 59.72 (5) (b) (intro.) Except as provided in s. 16.967 (7m), a county may retain  
10 \$8 of the ~~\$10~~ portion of each fee submitted to the department of administration under  
11 par. (a) from the fee for recording or filing each instrument that is recorded or filed  
12 under s. 59.43 (2) (ag) 1. or (e) if all of the following conditions are met:

13 **SECTION 1250.** 59.72 (5) (c) of the statutes is created to read:

14 59.72 (5) (c) Before January 1, 2015, a county may retain \$5 of the portion of  
15 each fee submitted to the department of administration under par. (a) from the fee  
16 for recording or filing each instrument that is recorded or filed under s. 59.43 (2) (ag)  
17 1. or (e) if all of the following apply:

18 1. The money is used to make social security numbers from electronic format  
19 records not viewable or accessible on the Internet under sub. (6) and s. 59.43 (4) (c).

20 2. The register of deeds is authorized to collect fees under s. 59.43 (2) (L) under  
21 an extension granted by the department of administration under s. 59.43 (2) (L) 2.

22 **SECTION 1251.** 60.37 (1) of the statutes is amended to read:

23 60.37 (1) GENERAL. The town board may employ on a temporary or permanent  
24 basis persons necessary to carry out the functions of town government including,  
25 subject to sub. (4), any elected officer of the town. The board may establish the

**SECTION 1251**

1 qualifications and terms of employment, which may not include the residency of the  
2 employee. The board may delegate the authority to hire town employees to any town  
3 official or employee.

4 **SECTION 1252.** 60.627 (2) (a) of the statutes is amended to read:

5 60.627 (2) (a) To effect the purposes of s. 281.33 and to promote the public  
6 health, safety and general welfare, if a town board may enact zoning ordinances  
7 under s. 60.62, the town board may enact a zoning ordinance, that is applicable to  
8 all of its area, for construction site erosion control at sites ~~where the construction~~  
9 ~~activities do not include the construction of a building~~ described in s. 281.33 (3) (a)  
10 1. a. and b. and for storm water management. This ordinance may be enacted  
11 separately from ordinances enacted under s. 60.62.

12 **SECTION 1253.** 60.627 (4) (c) of the statutes is amended to read:

13 60.627 (4) (c) An ordinance enacted under this section supersedes all provisions  
14 of an ordinance enacted under s. 60.62 that relate to construction site erosion control  
15 at sites ~~where the construction activities do not include the construction of a building~~  
16 described in s. 281.33 (3) (a) 1. a. and b. or to storm water management regulation.

17 **SECTION 1254.** 60.627 (6) of the statutes is amended to read:

18 60.627 (6) APPLICABILITY OF LOCAL SUBDIVISION REGULATION. All powers granted  
19 to a town under s. 236.45 may be exercised by it with respect to construction site  
20 erosion control at sites ~~where the construction activities do not include the~~  
21 ~~construction of a building~~ described in s. 281.33 (3) (a) 1. a. and b. or with respect to  
22 storm water management regulation, if the town has or provides a planning  
23 commission or agency.

24 **SECTION 1255.** 61.354 (2) of the statutes is amended to read:

1           61.354 (2) AUTHORITY TO ENACT ORDINANCE. To effect the purposes of s. 281.33  
2     and to promote the public health, safety and general welfare, a village may enact a  
3     zoning ordinance, that is applicable to all of its incorporated area, for construction  
4     site erosion control at sites ~~where the construction activities do not include the~~  
5     ~~construction of a building~~ described in s. 281.33 (3) (a) 1. a. and b. and for storm water  
6     management. This ordinance may be enacted separately from ordinances enacted  
7     under s. 61.35.

8           **SECTION 1256.** 61.354 (4) (c) of the statutes is amended to read:

9           61.354 (4) (c) An ordinance enacted under this section supersedes all provisions  
10    of an ordinance enacted under s. 61.35 that relate to construction site erosion control  
11    at sites ~~where the construction activities do not include the construction of a building~~  
12    described in s. 281.33 (3) (a) 1. a. and b. or to storm water management regulation.

13          **SECTION 1257.** 61.354 (6) of the statutes is amended to read:

14          61.354 (6) APPLICABILITY OF LOCAL SUBDIVISION REGULATION. All powers granted  
15    to a village under s. 236.45 may be exercised by it with respect to construction site  
16    erosion control at sites ~~where the construction activities do not include the~~  
17    ~~construction of a building~~ described in s. 281.33 (3) (a) 1. a. and b. or with respect to  
18    storm water management regulation, if the village has or provides a planning  
19    commission or agency.

20          **SECTION 1258.** 62.13 (4) (d) of the statutes is amended to read:

21          62.13 (4) (d) The examination shall be free for all U.S. citizens over 18 and  
22    under 55 years of age, with proper limitations as to residence, health and, subject to  
23    ss. 111.321, 111.322, and 111.335, arrest and conviction record. The examination,  
24    including minimum training and experience requirements, shall be job-related in  
25    compliance with appropriate validation standards and shall be subject to the

**SECTION 1258**

1 approval of the board and may include tests of manual skill and physical strength.  
2 All relevant experience, whether paid or unpaid, shall satisfy experience  
3 requirements. The board shall control examinations and may designate and change  
4 examiners, who may or may not be otherwise in the official service of the city, and  
5 whose compensation shall be fixed by the board and paid by the city. Veterans and  
6 their spouses shall be given preference points in accordance with s. 230.16 (7).

7 **SECTION 1259.** 62.234 (2) of the statutes is amended to read:

8 62.234 (2) AUTHORITY TO ENACT ORDINANCE. To effect the purposes of s. 281.33  
9 and to promote the public health, safety and general welfare, a city may enact a  
10 zoning ordinance, that is applicable to all of its incorporated area, for construction  
11 site erosion control at sites ~~where the construction activities do not include the~~  
12 ~~construction of a building described in s. 281.33 (3) (a) 1. a. and b.~~ and for storm water  
13 management. This ordinance may be enacted separately from ordinances enacted  
14 under s. 62.23.

15 **SECTION 1260.** 62.234 (4) (c) of the statutes is amended to read:

16 62.234 (4) (c) An ordinance enacted under this section supersedes all provisions  
17 of an ordinance enacted under s. 62.23 that relate to construction site erosion control  
18 at sites ~~where the construction activities do not include the construction of a building~~  
19 ~~described in s. 281.33 (3) (a) 1. a. and b.~~ or to storm water management regulation.

20 **SECTION 1261.** 62.234 (6) of the statutes is amended to read:

21 62.234 (6) APPLICABILITY OF LOCAL SUBDIVISION REGULATION. All powers granted  
22 to a city under s. 236.45 may be exercised by it with respect to construction site  
23 erosion control at sites ~~where the construction activities do not include the~~  
24 ~~construction of a building described in s. 281.33 (3) (a) 1. a. and b.~~ or with respect to

1 storm water management regulation, if the city has or provides a planning  
2 commission or agency.

3 **SECTION 1262.** 62.50 (5) of the statutes is amended to read:

4 62.50 (5) EXAMINATIONS. The examinations which the rules and regulations  
5 provide for shall be public and free to all U.S. citizens with proper limitations as to  
6 residence, age, health and, subject to ss. 111.321, 111.322 and 111.335, arrest and  
7 conviction record. The examinations shall be practical in their character and shall  
8 relate to those matters which fairly test the relative capacity of the candidates to  
9 discharge the duties of the positions in which they seek employment or to which they  
10 seek to be appointed and may include tests of manual skill and physical strength.  
11 The board shall control all examinations and may designate suitable persons, either  
12 in the official service of the city or not, to conduct such examinations and may change  
13 such examiners at any time, as seems best.

14 **SECTION 1263.** 62.53 of the statutes is repealed.

15 **SECTION 1264.** 63.08 (1) (a) of the statutes is amended to read:

16 63.08 (1) (a) Any applicant for an examination under s. 63.05, other than an  
17 applicant for a deputy sheriff position under s. 59.26 (8) (a), shall be a resident of this  
18 state before applying for an examination, but the commission may not require any  
19 period of residency in the county for entrance to an examination or employment in  
20 the county. The commission may require an applicant to file a written application  
21 form which bears upon the applicant's fitness for a vacant position and which the  
22 commission deems necessary. For a position offering a skilled, technical, or  
23 professional service, upon a finding that a suitable number of qualified applicants  
24 cannot be obtained from within the state, the commission may open the examination  
25 to residents of other states. Residency in this state may be waived for an applicant

**SECTION 1264**

1 for an examination for a position which requires a license in a health care field. No  
2 question pertaining to political affiliation or religious faith may be asked of any  
3 applicant for an examination.

4 **SECTION 1265.** 63.25 (1) (a) of the statutes is amended to read:

5 63.25 (1) (a) For open, competitive examinations and for other examinations  
6 by which to test applicants for office or for employment as to their practical fitness  
7 to discharge the duties of the positions which they desire to fill, which examinations  
8 shall be public and free to all persons with proper limitations as to residence, age,  
9 health, and, subject to ss. 111.321, 111.322, and 111.335, arrest and conviction record.

10 **SECTION 1266.** 66.0304 (1) (b) of the statutes is amended to read:

11 66.0304 (1) (b) “Bond” means any bond, note, or other obligation of a  
12 ~~commission~~ issued, acquired, or entered into by a commission under this section,  
13 including any refunding bond or certificate of participation or lease-purchase,  
14 installment sale, or other financing agreement.

15 **SECTION 1267.** 66.0304 (4) (p) of the statutes is amended to read:

16 66.0304 (4) (p) Purchase bonds issued by or on behalf of, or held by, any  
17 participant, ~~the~~ any state or a department, authority, or agency of the state, or any  
18 political subdivision. Bonds purchased under this paragraph may be held by the  
19 commission or sold, in whole or in part, separately or together with other bonds  
20 issued by the commission.

21 **SECTION 1268.** 66.0304 (11) (bm) of the statutes is created to read:

22 66.0304 (11) (bm) A project may be located outside of the United States or  
23 outside a territory of the United States if the borrower, including a co-borrower, of  
24 proceeds of bonds issued to finance or refinance the project in whole or in part is  
25 incorporated and has its principal place of business in the United States or a territory



1 of the United States. To the extent that this paragraph applies to a borrower, it also  
2 applies to a participant if the participant is a nongovernmental entity.

3 **SECTION 1269.** 66.0304 (11) (e) of the statutes is repealed.

4 **SECTION 1270.** 66.0502 of the statutes is created to read:

5 **66.0502 Employee residency requirements prohibited.** (1) The  
6 legislature finds that public employee residency requirements are a matter of  
7 statewide concern.

8 (2) In this section, “local governmental unit” means any city, village, town,  
9 county, or school district.

10 (3) (a) Except as provided in sub. (4), no local governmental unit may require,  
11 as a condition of employment, that any employee or prospective employee reside  
12 within any jurisdictional limit.

13 (b) If a local governmental unit has a residency requirement that is in effect on  
14 the effective date of this paragraph .... [LRB inserts date], the residency requirement  
15 does not apply and may not be enforced.

16 (4) This section does not affect any statute that requires residency within the  
17 jurisdictional limits of any local governmental unit or any provision of law that  
18 requires residency in this state.

19 **SECTION 1271.** 66.0602 (2m) of the statutes is amended to read:

20 **66.0602 (2m) NEGATIVE ADJUSTMENT.** If a political subdivision’s levy for the  
21 payment of any general obligation debt service, including debt service on debt issued  
22 or reissued to fund or refund outstanding obligations of the political subdivision and  
23 interest on outstanding obligations of the political subdivision, on debt originally  
24 issued before July 1, 2005, is less in the current year than it was in the previous year,  
25 the political subdivision shall reduce its levy limit in the current year by an amount

1 equal to the amount that its levy was reduced as described in this subsection. This  
2 subsection does not apply to any political subdivision that does not increase its levy  
3 increase limit as allowed under sub. (3) (f) 1.

4 **SECTION 1272.** 66.0602 (3) (f) 1. of the statutes is amended to read:

5 66.0602 (3) (f) 1. Subject to subd. 3., if a political subdivision's allowable levy  
6 under this section in 2010 the prior year was greater than its actual levy in 2010 that  
7 year, the levy increase limit otherwise applicable under this section to the political  
8 subdivision in 2011 the next succeeding year is increased by the difference between  
9 these 2 amounts the prior year's allowable levy and the prior year's actual levy, as  
10 determined by the department of revenue, up to a maximum increase of 0.5 percent  
11 of the actual levy in 2010 that prior year.

12 **SECTION 1273.** 66.0602 (3) (f) 2. of the statutes is repealed.

13 **SECTION 1274.** 66.0602 (3) (f) 3. (intro.) of the statutes is amended to read:

14 66.0602 (3) (f) 3. (intro.) The adjustment described in ~~subds.~~ subd. 1. and 2. may  
15 occur only if the political subdivision's governing body approves of the adjustment  
16 by one of the following methods:

17 **SECTION 1275.** 66.0602 (3) (f) 4. of the statutes is repealed.

18 **SECTION 1276.** 66.0615 (1m) (a) of the statutes is amended to read:

19 66.0615 (1m) (a) The governing body of a municipality may enact an ordinance,  
20 and a district, under par. (e), may adopt a resolution, imposing a tax on the privilege  
21 of furnishing, at retail, except sales for resale, rooms or lodging to transients by  
22 hotelkeepers, motel operators and other persons furnishing accommodations that  
23 are available to the public, irrespective of whether membership is required for use  
24 of the accommodations. A tax imposed under this paragraph is ~~not subject to the~~  
25 ~~selective sales tax imposed by s. 77.52 (2) (a) 1. and~~ may be collected from the

1 consumer or user, but may not be imposed on sales to the federal government and  
2 persons listed under s. 77.54 (9a). A tax imposed under this paragraph by a  
3 municipality shall be paid to the municipality and may be forwarded to a commission  
4 if one is created under par. (c), as provided in par. (d). Except as provided in par. (am),  
5 a tax imposed under this paragraph by a municipality may not exceed 8%. Except  
6 as provided in par. (am), if a tax greater than 8% under this paragraph is in effect  
7 on May 13, 1994, the municipality imposing the tax shall reduce the tax to 8%,  
8 effective on June 1, 1994.

9 **SECTION 1277.** 66.0615 (1m) (f) 2. of the statutes is amended to read:

10 66.0615 (1m) (f) 2. Sections 77.51 (12m), (14), (14g), (15a), and (15b), 77.52 (3),  
11 (13), (14), (18), and (19), 77.522, 77.58 (1) to (5), (6m), and (7), 77.585, 77.59, 77.60,  
12 77.61 (2), (3m), (5), (8), (9), ~~and~~ (12) to (15), and (19m), and 77.62, as they apply to  
13 the taxes under subch. III of ch. 77, apply to the tax described under subd. 1.

14 **SECTION 1278.** 69.20 (3) (g) of the statutes is created to read:

15 69.20 (3) (g) The state or local registrar, upon request of the department of  
16 revenue, may disclose information on vital records, including a social security  
17 number, to the department of revenue only for the following purposes related to  
18 administering state taxes and collection of debts referred to the department of  
19 revenue:

- 20 1. Locating persons, or the assets of persons, who have failed to file tax returns,  
21 have underreported their taxable income, or are delinquent debtors.
- 22 2. Identifying fraudulent tax returns and credit claims.
- 23 3. Providing information for tax-related prosecutions.

24 **SECTION 1279.** 70.111 (18) of the statutes is amended to read:

## SECTION 1279

1           70.111 (18) ~~SOLAR AND WIND ENERGY~~ ENERGY SYSTEMS. Solar Biogas energy  
2           systems, solar energy systems, and wind energy systems. In this subsection, “biogas  
3           energy system” means equipment which directly converts biomass, as defined under  
4           section 45K (c) (3) of the Internal Revenue Code, into biogas, equipment which  
5           generates electricity, heat, or compressed natural gas exclusively from biogas,  
6           equipment which is used exclusively for the direct transfer or storage of biomass or  
7           biogas, and any structure used exclusively to shelter or operate such equipment, if  
8           all such equipment, and any such structure, is located at the same site, but does not  
9           include equipment or components that would be present as part of a conventional  
10          energy system. In this subsection, “solar energy system” means equipment which  
11          directly converts and then transfers or stores solar energy into usable forms of  
12          thermal or electrical energy, but does not include equipment or components that  
13          would be present as part of a conventional energy system or a system that operates  
14          without mechanical means. In this subsection, “wind energy system” means  
15          equipment which converts and then transfers or stores energy from the wind into  
16          usable forms of energy, but does not include equipment or components that would be  
17          present as part of a conventional energy system.

18          **SECTION 1280.** 70.114 (1) (f) of the statutes is amended to read:

19          70.114 (1) (f) “Taxing jurisdiction” means any entity, not including the state,  
20          authorized by law to levy taxes on general property, as defined in s. 70.02, that are  
21          measured by the property’s value.

22          **SECTION 1281.** 70.114 (3) of the statutes is amended to read:

23          70.114 (3) **ASCERTAINING RATE.** Each year, the department shall ascertain ~~from~~  
24          ~~the clerks of the taxation district~~ the aggregate net general property tax rate for  
25          taxation districts to which aids are paid under this section.

1           **SECTION 1282.** 70.114 (4) (a) of the statutes is amended to read:

2           70.114 (4) (a) ~~On~~ Except as provided under par. (c), on or before January 31,  
3           the department shall pay to each treasurer of a taxation district, with respect to each  
4           parcel of land acquired by the department within the taxation district on or before  
5           January 1 of the preceding year, an amount determined by multiplying each parcel's  
6           estimated value equated to the average level of assessment in the taxation district  
7           by the aggregate net general property tax rate that would apply to the parcel of land  
8           if it were taxable, as shown on property tax bills prepared for that year under s. 74.09.

9           **SECTION 1283.** 70.114 (4) (c) of the statutes is created to read:

10          70.114 (4) (c) The department shall withhold from the payment amount  
11          determined under par. (a) an amount equal to the amount determined under par. (a)  
12          multiplied by the rate of the forestation state tax under s. 70.58 and shall deposit that  
13          amount into the conservation fund.

14          **SECTION 1284.** 70.119 (4) of the statutes is amended to read:

15          70.119 (4) The department shall be responsible for negotiating with  
16          municipalities on payments for municipal services and may delegate certain  
17          responsibilities of negotiation to other state agencies or to the University of  
18          Wisconsin Hospitals and Clinics Authority. ~~Prior to negotiating with municipalities~~  
19          ~~the department shall submit guidelines for negotiation to the committee for~~  
20          ~~approval.~~

21          **SECTION 1285.** 70.119 (5) of the statutes is amended to read:

22          70.119 (5) ~~Upon approval of guidelines by the committee, the department shall~~  
23          ~~proceed with negotiations.~~ In no case may a municipality withhold services to the  
24          state or to the University of Wisconsin Hospitals and Clinics Authority during  
25          negotiations.

**SECTION 1286**

**SECTION 1286.** 70.119 (6) (a) of the statutes is renumbered 70.119 (6).

**SECTION 1287.** 70.119 (6) (b) of the statutes is repealed.

**SECTION 1288.** 71.01 (6) (i) of the statutes is created to read:

71.01 (6) (i) For taxable years that begin after December 31, 2012, for natural persons and fiduciaries, except fiduciaries of nuclear decommissioning trust or reserve funds, “Internal Revenue Code” means the federal Internal Revenue Code as amended to December 31, 2010, excluding sections 103, 104, and 110 of P.L. 102–227, sections 13113, 13150 (d), 13171 (d), 13174, and 13203 (d) of P.L. 103–66, sections 1123 (b), 1202 (c), 1204 (f), 1311, and 1605 (d) of P.L. 104–188, sections 1, 3, 4, and 5 of P.L. 106–519, sections 162 and 165 of P.L. 106–554, section 431 of P.L. 107–16, sections 101 and 301 (a) of P.L. 107–147, sections 106, 201, and 202 of P.L. 108–27, section 1201 of P.L. 108–173, sections 306, 308, 316, 401, and 403 (a) of P.L. 108–311, sections 101, 102, 201, 211, 242, 244, 336, 337, 422, 847, 909, and 910 of P.L. 108–357, P.L. 109–1, sections 1305, 1308, 1309, 1310, 1323, 1324, 1325, 1326, 1328, 1329, 1348, and 1351 of P.L. 109–58, section 11146 of P.L. 109–59, section 301 of P.L. 109–73, sections 101, 105, 201 (a) as it relates to section 1400S (a), 402 (e), 403 (e), (j), and (q), and 405 of P.L. 109–135, sections 101, 207, 503, and 513 of P.L. 109–222, P.L. 109–432, except sections 117, 406, 409, 410, 412, 417, 418, 424, and 425 of division A and section 403 of division C of P.L. 109–432, P.L. 110–28, except sections 8215, 8231, 8232, 8234, and 8236 of P.L. 110–28, P.L. 110–140, sections 2, 3, and 5 of P.L. 110–142, P.L. 110–166, sections 3 (b) and 11 (b), (e), and (g) of P.L. 110–172, P.L. 110–185, P.L. 110–234, section 301 of P.L. 110–245, P.L. 110–246, except sections 4, 15312, 15313, 15314, 15316, and 15342 of P.L. 110–246, sections 3071, 3081, and 3082 of P.L. 110–289, section 9 (e) of P.L. 110–317, P.L. 110–343, except sections 116, 208, 211, and 301 of division B and sections 313 and 504 of division C of P.L. 110–343,

1 P.L. 111–5, except sections 1261, 1262, 1401, 1402, 1521, 1522, 1531, and 1541 of  
2 division B of P.L. 111–5, section 201 of P.L. 111–147, P.L. 111–148, except sections  
3 1322, 1515, 9003, 9004, 9005, 9012, 9013, 9014, 9016, 9021, 9022, 10108, 10902,  
4 10908, and 10909 of P.L. 111–148, P.L. 111–152, except sections 1403 and 1407 of P.L.  
5 111–152, P.L. 111–203, except section 1601 of P.L. 111–203, P.L. 111–226, except  
6 sections 215 and 217 of P.L. 111–226, P.L. 111–240, except sections 2014, 2043, 2111,  
7 2112, and 2113 of P.L. 111–240, and P.L. 111–312, and as amendeded by section 1858  
8 of P.L. 112–10, section 1108 of P.L. 112–95, sections 40211, 40241, 40242, and 100121  
9 of P.L. 112–141, and sections 101 and 902 of P.L. 112–240, and as indirectly affected  
10 by P.L. 99–514, P.L. 100–203, P.L. 100–647, P.L. 101–73, P.L. 101–140, P.L. 101–179,  
11 P.L. 101–239, P.L. 101–280, P.L. 101–508, P.L. 102–90, P.L. 102–227, excluding  
12 sections 103, 104, and 110 of P.L. 102–227, P.L. 102–318, P.L. 102–486, P.L. 103–66,  
13 excluding sections 13113, 13150 (d), 13171 (d), 13174, and 13203 (d) of P.L. 103–66,  
14 P.L. 103–296, P.L. 103–337, P.L. 103–465, P.L. 104–7, P.L. 104–117, P.L. 104–188,  
15 excluding sections 1123 (b), 1202 (c), 1204 (f), 1311, and 1605 (d) of P.L. 104–188, P.L.  
16 104–191, P.L. 104–193, P.L. 105–33, P.L. 105–34, P.L. 105–178, P.L. 105–206, P.L.  
17 105–277, P.L. 106–36, P.L. 106–170, P.L. 106–230, P.L. 106–554, excluding sections  
18 162 and 165 of P.L. 106–554, P.L. 106–573, P.L. 107–15, P.L. 107–16, excluding  
19 section 431 of P.L. 107–16, P.L. 107–22, P.L. 107–116, P.L. 107–134, P.L. 107–147,  
20 excluding sections 101 and 301 (a) of P.L. 107–147, P.L. 107–181, P.L. 107–210, P.L.  
21 107–276, P.L. 107–358, P.L. 108–27, excluding sections 106, 201, and 202 of P.L.  
22 108–27, P.L. 108–121, P.L. 108–173, excluding section 1201 of P.L. 108–173, P.L.  
23 108–203, P.L. 108–218, P.L. 108–311, excluding sections 306, 308, 316, 401, and 403  
24 (a) of P.L. 108–311, P.L. 108–357, excluding sections 101, 102, 201, 211, 242, 244, 336,  
25 337, 422, 847, 909, and 910 of P.L. 108–357, P.L. 108–375, P.L. 108–476, P.L. 109–7,

**SECTION 1288**

1 P.L. 109–58, excluding sections 1305, 1308, 1309, 1310, 1323, 1324, 1325, 1326, 1328,  
2 1329, 1348, and 1351 of P.L. 109–58, P.L. 109–59, excluding section 11146 of P.L.  
3 109–59, P.L. 109–73, excluding section 301 of P.L. 109–73, P.L. 109–135, excluding  
4 sections 101, 105, 201 (a) as it relates to section 1400S (a), 402 (e), 403 (e), (j), and  
5 (q), and 405 of P.L. 109–135, P.L. 109–151, P.L. 109–222, excluding sections 101, 207,  
6 503, and 513 of P.L. 109–222, P.L. 109–227, P.L. 109–280, sections 117, 406, 409, 410,  
7 412, 417, 418, 424, and 425 of division A and section 403 of division C of P.L. 109–432,  
8 sections 8215, 8231, 8232, 8234, and 8236 of P.L. 110–28, P.L. 110–141, P.L. 110–142,  
9 excluding sections 2, 3, and 5 of P.L. 110–142, P.L. 110–172, excluding sections 3 (b)  
10 and 11 (b), (e), and (g) of P.L. 110–172, P.L. 110–245, excluding section 301 of P.L.  
11 110–245, sections 4, 15312, 15313, 15314, 15316, and 15342 of P.L. 110–246, P.L.  
12 110–289, excluding sections 3071, 3081, and 3082 of P.L. 110–289, P.L. 110–317,  
13 excluding section 9 (e) of P.L. 110–317, sections 116, 208, 211, and 301 of division B  
14 and sections 313 and 504 of division C of P.L. 110–343, P.L. 110–351, P.L. 110–458,  
15 sections 1261, 1262, 1401, 1402, 1521, 1522, 1531, and 1541 of division B of P.L.  
16 111–5, P.L. 111–92, P.L. 111–147, excluding section 201 of P.L. 111–147, sections  
17 1322, 1515, 9003, 9004, 9005, 9012, 9013, 9014, 9016, 9021, 9022, 10108, 10902,  
18 10908, and 10909 of P.L. 111–148, sections 1403 and 1407 of P.L. 111–152, P.L.  
19 111–192, section 1601 of P.L. 111–203, sections 215 and 217 of P.L. 111–226, sections  
20 2014, 2043, 2111, 2112, and 2113 of P.L. 111–240, P.L. 111–325, section 1858 of P.L.  
21 112–10, section 1108 of P.L. 112–95, and sections 40211, 40241, 40242, 100121 of P.L.  
22 112–141, and sections 101 and 902 of P.L. 112–240. The Internal Revenue Code  
23 applies for Wisconsin purposes at the same time as for federal purposes, except that  
24 changes made by P.L. 106–573, sections 9004, 9005, 9012, 9013, 9014, 9016, and  
25 10902 of P.L. 111–148, sections 1403 and 1407 of P.L. 111–152, section 1858 of P.L.



112-10, section 1108 of P.L. 112-95, and sections 40211, 40241, 40242, and 100121 of P.L. 112-141 do not apply for taxable years beginning before January 1, 2013. Amendments to the federal Internal Revenue Code enacted after December 31, 2010, do not apply to this paragraph with respect to taxable years beginning after December 31, 2010, except that changes to the Internal Revenue Code made by section 1858 of P.L. 112-10, section 1108 of P.L. 112-95, and sections 40211, 40241, 40242, and 100121 of P.L. 112-141, and changes that indirectly affect the provisions applicable to this subchapter made by section 1858 of P.L. 112-10, section 1108 of P.L. 112-95, and sections 40211, 40241, 40242, and 100121 of P.L. 112-141, do not apply for taxable years beginning before January 1, 2013, and changes to the Internal Revenue Code made by sections 101 and 902 of P.L. 112-240, and changes that indirectly affect the provisions applicable to this subchapter made by sections 101 and 902 of P.L. 112-240, apply for Wisconsin purposes at the same time as for federal purposes.

**SECTION 1289.** 71.01 (6) (o) of the statutes is repealed.

**SECTION 1290.** 71.01 (6) (p) of the statutes is renumbered 71.01 (6) (a).

**SECTION 1291.** 71.01 (6) (q) of the statutes is renumbered 71.01 (6) (b).

**SECTION 1292.** 71.01 (6) (r) of the statutes is renumbered 71.01 (6) (c).

**SECTION 1293.** 71.01 (6) (s) of the statutes is renumbered 71.01 (6) (d).

**SECTION 1294.** 71.01 (6) (t) of the statutes is renumbered 71.01 (6) (e).

**SECTION 1295.** 71.01 (6) (u) of the statutes is renumbered 71.01 (6) (f).

**SECTION 1296.** 71.01 (6) (um) of the statutes is renumbered 71.01 (6) (g).

**SECTION 1297.** 71.01 (6) (un) of the statutes is renumbered 71.01 (6) (h) and amended to read:

71.01 (6) (h) For taxable years that begin after December 31, 2010, and before January 1, 2013, for natural persons and fiduciaries, except fiduciaries of nuclear decommissioning trust or reserve funds, “Internal Revenue Code” means the federal Internal Revenue Code as amended to December 31, 2010, excluding sections 103, 104, and 110 of P.L. 102–227, sections 13113, 13150 (d), 13171 (d), 13174, and 13203 (d) of P.L. 103–66, sections 1123 (b), 1202 (c), 1204 (f), 1311, and 1605 (d) of P.L. 104–188, sections 1, 3, 4, and 5 of P.L. 106–519, sections 162 and 165 of P.L. 106–554, P.L. 106–573, section 431 of P.L. 107–16, sections 101 and 301 (a) of P.L. 107–147, sections 106, 201, and 202 of P.L. 108–27, section 1201 of P.L. 108–173, sections 306, 308, 316, 401, and 403 (a) of P.L. 108–311, sections 101, 102, 201, 211, 242, 244, 336, 337, 422, 847, 909, and 910 of P.L. 108–357, P.L. 109–1, sections 1305, 1308, 1309, 1310, 1323, 1324, 1325, 1326, 1328, 1329, 1348, and 1351 of P.L. 109–58, section 11146 of P.L. 109–59, section 301 of P.L. 109–73, sections 101, 105, 201 (a) as it relates to section 1400S (a), 402 (e), 403 (e), (j), and (q), and 405 of P.L. 109–135, sections 101, 207, 503, and 513 of P.L. 109–222, P.L. 109–432, except sections 117, 406, 409, 410, 412, 417, 418, 424, and 425 of division A and section 403 of division C of P.L. 109–432, P.L. 110–28, except sections 8215, 8231, 8232, 8234, and 8236 of P.L. 110–28, P.L. 110–140, sections 2, 3, and 5 of P.L. 110–142, P.L. 110–166, sections 3 (b) and 11 (b), (e), and (g) of P.L. 110–172, P.L. 110–185, P.L. 110–234, section 301 of P.L. 110–245, P.L. 110–246, except sections 4, 15312, 15313, 15314, 15316, and 15342 of P.L. 110–246, sections 3071, 3081, and 3082 of P.L. 110–289, section 9 (e) of P.L. 110–317, P.L. 110–343, except sections 116, 208, 211, and 301 of division B and sections 313 and 504 of division C of P.L. 110–343, P.L. 111–5, except sections 1261, 1262, 1401, 1402, 1521, 1522, 1531, and 1541 of division B of P.L. 111–5, section 201 of P.L. 111–147, P.L. 111–148, except sections 1322, 1515, 9003, 9021, 9022, 10108, 10908,